

REMARKS

Claims 1-56 are pending in the application Claims 6-10, 12-22 and 28-43 are withdrawn from consideration.

New claims 57-66 are hereby newly presented.

Claims 1-5, 11, 23-27, 44-56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-5, 11, 25-27 and 48-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Mong US 2002706.

Claims 1-5, 11, 46 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Freed US 6035559.

Claims 23, 24, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mong and Freed.

The claims have been amended to eliminate the formal objections.

The ice-creeper disclosed in Mong allows movement of ground engaging elements only before it is fixed to a shoe and before nut 17 is screwed tightly on bolt 15. After this is done pivotal movement around bolt 17 is no longer possible. Before this is done the heel section 5 and the toe section 6 are moveable with respect to each other not only pivotally but also linearly by sliding bolt 15 along groove 9. In contrast, the ground-engaging elements of the claimed shoe are movable only along an arc. A linear sliding movement of the ice-creeper is necessary for adjustment to shoe size. Therefore, Mong teaches away from the current invention.

Freed has no disclosure of rotation around a single point located between the centerpoint of the shoe and the heel of the shoe, with grippers which extend and rotate both ahead of and behind the center of the shoe. The Freed structure is arranged for gripping that occurs only around turntables and associated grippers that are completely located together either ahead

of the centerpoint, or completely located behind the centerpoint. The presently claimed invention sets out a structure having a center of curvature between the heel and centerpoint of the shoe, while at the same time having gripping elements which extend and rotate both ahead of and behind the centerpoint of the claimed shoe structure.

CONCLUSION

Applicant asserts that all of the Examiner's objections have been obviated, and therefore now respectfully requests withdrawal of the objections and allowance of the application.

PETITION FOR AN EXTENSION OF THE TERM

Applicant hereby petitions for a two-month extension of the term for reply from 29 April 2008 to 29 June 2008. An amount of \$230 to cover the cost of the extension is authorized to be charged to the credit card ending in 6346. Any deficiency or overpayment should be charged or credited to Deposit Account Number 04-2219, referencing our Docket Number 14150.

Respectfully submitted,

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